

SANDERS LAW GROUP

Craig B. Sanders, Esq. (Cal Bar 284397)
Jacqueline Mandel, Esq. (Cal Bar 317119)
333 Earle Ovington Blvd, Suite 402
Uniondale, NY 11553
Tel: (516) 203-7600
Email: csanders@sanderslaw.group
Email: jmandel@sanderslaw.goup
File No.: 128073

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Global Weather Productions, LLC,

Plaintiff,

v.

Leonardo DiCaprio,

Defendant.

Case No:

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Global Weather Productions, LLC (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against defendant Leonardo DiCaprio (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §501.

2. Michael Brandon Clement (“*Clement*”) created a video showing a helicopter view of the damage caused by Hurricane Dorian to the Abaco islands in the Bahamas (the “*Video*”) in which Plaintiff owns the rights and licenses for various

1 uses including online and print publications.

2 3. Defendant is an American actor and film producer who owns and
3 operates an account with the name “@leonardodicaprio” at domain
4 www.instagram.com (the “Account”).

5 4. Defendant, without permission or authorization from Plaintiff, actively
6 copied and displayed the Video on the Account and engaged in this misconduct
7 knowingly and in violation of the United States copyright laws.

8 **PARTIES**

9 5. Global Weather Productions, LLC is a Wyoming limited liability
10 company and maintains its principal place of business in Sheridan County,
11 Wyoming.

12 6. Upon information and belief, defendant Leonardo DiCaprio, is an
13 individual who is a citizen of the State of California and resides in Los Angeles
14 County, California and is liable and responsible to Plaintiff based on the facts herein
15 alleged.

16 **JURISDICTION AND VENUE**

17 7. This Court has subject matter jurisdiction over the federal copyright
18 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

19 8. This Court has personal jurisdiction over Defendant because he is a
20 citizen of California.

21 9. Venue is proper under 28 U.S.C. §1391(b)(2) because a substantial part
22 of the events or omissions giving rise to the claim occurred in this Judicial District.

23 **FACTS COMMON TO ALL CLAIMS**

24 **A. Plaintiff's Copyright Ownership**

25 10. Plaintiff is a professional videography company which is the legal and
26 rightful owner of certain videos which Plaintiff commercially licenses.

27 11. Plaintiff has invested significant time and money in building Plaintiff's
28

1 video portfolio.

2 12. Plaintiff has obtained active and valid copyright registrations from the
3 United States Copyright Office (the “USCO”) which cover many of Plaintiff's videos
4 while many others are the subject of pending copyright applications.

5 13. Plaintiff's videos are original, creative works in which Plaintiff owns
6 protectable copyright interests.

7 14. On September 3, 2019, Clement first published the Video. A screengrab
8 of the Video is attached hereto as Exhibit 1.

9 15. In creating the Video, Clement personally selected the subject matter,
10 timing, lighting, angle, perspective, depth, lens, and camera equipment used to
11 capture the video recording.

12 16. On September 25, 2019, the Video was registered by the USCO under
13 Registration No. PA 2-214-139.

14 17. Clement created the Video with the intention of it being used
15 commercially and for the purpose of display and/or public distribution.

16 18. On or about June 4, 2023, Plaintiff acquired the rights in and to the
17 Video from Clement by way of written assignment.

18 **B. Defendant's Infringing Activity**

19 19. Defendant is the registered owner of the Account and is responsible for
20 its content.

21 20. Defendant is the operator of the Account and is responsible for its
22 content.

23 21. The Account is a key component of Defendant's popular and lucrative
24 enterprise.

25 22. On or about September 4, 2019, Defendant displayed the Video on the
26 Account as part of an on-line Instagram post at URL:
27 <https://www.instagram.com/leonardodicaprio/>. A copy of a screengrab of the
28

1 Account including the Video is attached hereto as Exhibit 2.

2 23. Without permission or authorization from Plaintiff, Defendant
3 volitionally copied and displayed Plaintiff's copyright protected Video on the
4 Account.

5 24. Plaintiff first observed and actually discovered the Infringement on
6 September 14, 2022.

7 25. Upon information and belief, the Video was copied and displayed by
8 Defendant without license or permission, thereby infringing on Plaintiff's copyrights
9 in and to the Video (hereinafter the unauthorized use set forth above is referred to as
10 the "*Infringement*").

11 26. The Infringement includes a URL ("*Uniform Resource Locator*") for a
12 fixed tangible medium of expression that was sufficiently permanent or stable to
13 permit it to be communicated for a period of more than a transitory duration and
14 therefore constitutes a specific infringement. *17 U.S.C. §106(5)*.

15 27. The Infringement is an exact copy of Plaintiff's original video recording
16 that was directly copied and displayed by Defendant on the Account.

17 28. Upon information and belief, Defendant takes an active and pervasive
18 role in the content posted on his Account, including, but not limited to copying,
19 posting, selecting, commenting on, and/or displaying video recordings including but
20 not limited to Plaintiff's Video.

21 29. Upon information and belief, the Video was willfully and volitionally
22 posted to the Account by Defendant.

23 30. Upon information and belief, Defendant was aware of facts or
24 circumstances from which the determination regarding the Infringement was
25 apparent. Defendant cannot claim that it was not aware of the infringing activities,
26 including the specific Infringement which form the basis of this complaint, since
27 such a claim would amount to only willful blindness to the Infringement on the part
28

1 of Defendant.

2 31. Upon information and belief, Defendant engaged in the Infringement
3 knowingly and in violation of applicable United States copyright laws.

4 32. Upon information and belief, Defendant has the legal right and ability
5 to control and limit the infringing activities on his Account and exercised and/or had
6 the right and ability to exercise such right.

7 33. Upon information and belief, Defendant monitors the content on his
8 Account.

9 34. Upon information and belief, Defendant has received a financial benefit
10 directly attributable to the Infringement.

11 35. Upon information and belief, the Infringement increased traffic to the
12 Account.

13 36. Upon information and belief, a large number of people have viewed the
14 unlawful copy of the Video on the Account.

15 37. Upon information and belief, Defendant at all times had the ability to
16 stop the reproduction and display of Plaintiff's copyrighted material.

17 38. Defendant's use of the Video harmed the actual market for the Video.

18 39. Defendant's use of the Video, if widespread, would harm Plaintiff's
19 potential market for the Video.

20 40. As a result of Defendant's misconduct, Plaintiff has been substantially
21 harmed.

22 **FIRST COUNT**

23 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

24 41. Plaintiff repeats and incorporates by reference the allegations contained
25 in the preceding paragraphs, as though set forth in full herein.

26 42. The Video is an original, creative work in which Plaintiff owns a valid
27 copyright.

1 43. The Video is properly registered with the USCO and Plaintiff has
2 complied with all statutory formalities under the Copyright Act and under
3 regulations published by the USCO.

4 44. Plaintiff has not granted Defendant a license or the right to use the
5 Video in any manner, nor has Plaintiff assigned any of its exclusive rights in the
6 copyright to Defendant.

7 45. Without permission or authorization from Plaintiff and in willful
8 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
9 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
10 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
11 copyrights.

12 46. Defendant's reproduction of the Video and display of the Video
13 constitutes willful copyright infringement.

14 47. Upon information and belief, Defendant willfully infringed upon
15 Plaintiff's copyrighted Video in violation of Title 17 of the U.S. Code, in that
16 Defendant used, published, communicated, posted, publicized, and otherwise held
17 out to the public for commercial benefit, Plaintiff's original and unique Video
18 without Plaintiff's consent or authority, by using it on the Account.

19 48. As a result of Defendant's violations of Title 17 of the U.S. Code,
20 Plaintiff is entitled to an award of actual damages and disgorgement of all of
21 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
22 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
23 statutory damages against each Defendant for infringement pursuant to 17 U.S.C. §
24 504(c).

25 49. As a result of the Defendant's violations of Title 17 of the U.S. Code,
26 the court in its discretion may allow the recovery of full costs as well as reasonable
27 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.
28

1 50. As a result of Defendant's violations of Title 17 of the U.S. Code,
2 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his
3 copyright pursuant to 17 U.S.C. § 502.

4 **JURY DEMAND**

5 51. Plaintiff hereby demands a trial of this action by jury.

6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

8 That the Court enters a judgment finding that Defendant has infringed on
9 Plaintiff's rights to the Video in violation of 17 U.S.C. §501 *et seq.* and therefore
10 award damages and monetary relief as follows:

- 11 a. finding that Defendant infringed Plaintiff's copyright interest in
12 and to the Video by copying and displaying it without a license
13 or consent;
- 14 b. for an award of actual damages and disgorgement of all of
15 Defendant's profits attributable to the infringements as provided
16 by 17 U.S.C. § 504(b) in an amount to be proven or, in the
17 alternative, at Plaintiff's election, an award for statutory damages
18 against each Defendant for infringement pursuant to 17 U.S.C. §
19 504(c), whichever is larger;
- 20 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
21 from any infringing use of any of Plaintiff's works;
- 22 d. for costs of litigation and reasonable attorney's fees against
23 Defendant pursuant to 17 U.S.C. § 505;
- 24 e. for pre-judgment interest as permitted by law; and
- 25 f. for any other relief the Court deems just and proper.

26 //

27 //

1 DATED: November 3, 2023

2 **SANDERS LAW GROUP**

3 By: /s/ Jacqueline Mandel
4 Craig B. Sanders, Esq. (Cal Bar 284397)
5 Jacqueline Mandel, Esq. (Cal Bar 317119)
6 333 Earle Ovington Blvd, Suite 402
7 Uniondale, NY 11553
8 Tel: (516) 203-7600
9 Email: csanders@sanderslaw.group
10 Email: jmandel@sanderslaw.goup
11 File No.: 128073

12 *Attorneys for Plaintiff*